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February 8, 2008

Via E-File

The Honorable Thelton E. Henderson, Senior Judge
United States District Court, Northern District of California
Courtroom 12, 19th Floor
450 Golden Gate Ave.
San Francisco, CA 94102

Re: *Finley v. County of Marin, et al.*, Case No. C07 5922 TEH

Dear Judge Henderson:

Defendant County of Marin requests that the Initial Case Management Conference in this action, currently scheduled for February 25, 2008 at 1:30 p.m., be moved to a later date. As of today, the County of Marin has not yet appeared in this action. Because service of summons upon Defendant County of Marin was made on January 22, 2008, the responsive pleading of the County of Marin is due on February 11, 2008. After service of summons is made upon the Marin County Board of Supervisors, the complaint must be forwarded to the County Counsel's Office, assigned to an attorney, reviewed for legal sufficiency, and the claims of Plaintiff must be investigated.

While this evaluation and investigation is occurring by counsel for the County of Marin, conducting a meaningful meet and confer process regarding initial disclosures, ADR process selection and a discovery plan is premature. The parties have not, in fact, conducted any meet and confer process yet in this case. However, the meet and confer deadline already passed on February 4, 2008. Additionally, the last day to file a Rule 26(f) Report and complete initial disclosures is currently February 19, 2008. Only allowing four weeks between service of the complaint and the completion of initial disclosures and a Rule 26(f) report is not enough time for defendant County of Marin to properly investigate the claims, provide an appropriate responsive pleading, make a Joint ADR Certification and conduct the required meet and confer process. Continuing the Initial Case Management Conference will accordingly continue the other deadlines

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of the case, and allow for a more meaningful meet and confer process and Rule 26(f) Report.

Additionally, there are two individual defendants in this action, and the County of Marin has no information regarding the service of process upon them. These individuals are current employees for the County of Marin, and are statutorily provided with counsel at the County of Marin's expense. If these individual defendants have not been served, any meet and confer process will not include two of the four named parties to this action. Additionally, the individual defendants will not have made an appearance in the action prior to the Initial Case Management Conference. Therefore, a continuation of the Initial Case Management Conference might allow for full participation of the named individual defendants, if they are served with summons in the near future.

Based upon the above information, the County of Marin requests the Initial Case Management Conference to be moved into April of 2008. Thank you for your consideration of this matter.

Sincerely,

Stephen R. Raab
Deputy County Counsel
Attorney for the County of Marin